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**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**

LINDA COOPER, Individually, And On  
Behalf Of The Estate Of Decedent,  
ELINA QUINN BRANCO,

Plaintiff,

v.

COUNTY OF SAN LUIS OBISPO, a  
governmental entity, form unknown;  
SIERRA MENTAL WELLNESS  
GROUP, a California Non-Profit  
Corporation; JASON HOOSON,  
individually; SAVANNAH WILLIAMS,  
individually; JOSH SIMPSON,  
individually; BONNIE SAYERS,  
individually; JULIA TIDIK,  
individually; BETHANY AURIOLES,  
individually; JANET BROWN,  
individually; SHELE WATSON,  
individually; DOES 1 through 10,  
inclusive,

Defendants.

2:24-CV-08187-SVW (AJRx)

**ANSWER OF BETHANY AURIOLES TO  
PLAINTIFF'S COMPLAINT**

COMES NOW Defendant, BETHANY AURIOLES, ("Defendant"), and in answer  
to the Complaint of plaintiff, LINDA COOPER, individually, and on behalf of the Estate  
of Decedent, ELINA QUINN BRANCO ("Plaintiff"), hereby admits, denies, and alleges  
as follows:

1           1.     As to Paragraph 1 of the Complaint, Defendant lacks knowledge of the  
2 allegations contained therein and on this basis denies the same.

3           2.     As to Paragraph 2 of the Complaint, Defendant lacks knowledge of the  
4 allegations contained therein and on this basis denies the same.

5           3.     As to Paragraph 3 of the Complaint, Defendant lacks knowledge of the  
6 allegations contained therein and on this basis denies the same.

7           4.     As to Paragraph 4 of the Complaint, Defendant lacks knowledge of the  
8 allegations contained therein and on this basis denies the same.

9           5.     As to Paragraph 5 of the Complaint, Defendant lacks knowledge of the  
10 allegations contained therein and on this basis denies the same.

11          6.     As to Paragraph 6 of the Complaint, Defendant lacks knowledge of the  
12 allegations contained therein and on this basis denies the same.

13          7.     As to Paragraph 7 of the Complaint, Defendant lacks knowledge of the  
14 allegations contained therein and on this basis denies the same.

15          8.     As to Paragraph 8 of the Complaint, Defendant lacks knowledge of the  
16 allegations contained therein and on this basis denies the same.

17          9.     As to Paragraph 9 of the Complaint, Defendant lacks knowledge of the  
18 allegations contained therein and on this basis denies the same.

19          10.    As to Paragraph 10 of the Complaint, Defendant lacks knowledge of the  
20 allegations contained therein and on this basis denies the same.

21          11.    As to Paragraph 11 of the Complaint, Defendant lacks knowledge of the  
22 allegations contained therein and on this basis denies the same.

23          12.    As to Paragraph 12 of the Complaint, Defendant admits the allegations  
24 therein.

25          13.    As to Paragraph 13 of the Complaint, Defendant admits the allegations  
26 therein.

27          14.    As to Paragraph 14 of the Complaint, Defendant admits the allegations  
28 therein.

1           15. As to Paragraph 15 of the Complaint, Defendant lacks knowledge of the  
2 allegations contained therein and on this basis denies the same.

3           16. As to Paragraph 16 of the Complaint, Defendant lacks knowledge of the  
4 allegations contained therein and on this basis denies the same.

5           17. As to Paragraph 17 of the Complaint, Defendant lacks knowledge of the  
6 allegations contained therein and on this basis denies the same.

7           18. As to Paragraph 18 of the Complaint, Defendant lacks knowledge of the  
8 allegations contained therein and on this basis denies the same.

9           19. As to Paragraph 19 of the Complaint, Defendant lacks knowledge of the  
10 allegations contained therein and on this basis denies the same.

11           20. As to Paragraph 20 of the Complaint, Defendant lacks knowledge of the  
12 allegations contained therein and on this basis denies the same.

13           21. As to Paragraph 21 of the Complaint, Defendant lacks knowledge of the  
14 allegations contained therein and on this basis denies the same.

15           22. As to Paragraph 22 of the Complaint, Defendant admits that at all  
16 relevant times she was employed by Sierra Mental Wellness Group as a psychiatric  
17 technician and acting within the course and scope of her employment. Defendant  
18 acted only as an individual and not as a state actor. Defendant denies each and every  
19 remaining allegation of the paragraph.

20           23. As to Paragraph 23 of the Complaint, Defendant lacks knowledge of the  
21 allegations contained therein and on this basis denies the same.

22           24. As to Paragraph 24 of the Complaint, Defendant denies all allegations  
23 related in any manner to Defendant and otherwise lacks knowledge of the allegations  
24 contained therein and on this basis denies the same.

25           25. As to Paragraph 25 of the Complaint, Defendant lacks knowledge of the  
26 allegations contained therein and on this basis denies the same.

27           26. As to Paragraph 26 of the Complaint, Defendant lacks knowledge of the  
28 allegations contained therein and on this basis denies the same.

1           27. As to Paragraph 27 of the Complaint, Defendant lacks knowledge of the  
2 allegations contained therein and on this basis denies the same.

3           28. As to Paragraph 28 of the Complaint, Defendant lacks knowledge of the  
4 allegations contained therein and on this basis denies the same.

5           29. As to Paragraph 29 of the Complaint, Defendant lacks knowledge of the  
6 allegations contained therein and on this basis denies the same.

7           30. As to Paragraph 30 of the Complaint, Defendant denies all allegations  
8 related in any manner to Defendant and otherwise lacks knowledge of the allegations  
9 contained therein and on this basis denies the same.

10          31. As to Paragraph 31 of the Complaint, Defendant lacks knowledge of the  
11 allegations contained therein and on this basis denies the same.

12          32. As to Paragraph 32 of the Complaint, Defendant lacks knowledge of the  
13 allegations contained therein and on this basis denies the same.

14          33. As to Paragraph 33 of the Complaint, Defendant lacks knowledge of the  
15 allegations contained therein and on this basis denies the same.

16          34. As to Paragraph 34 of the Complaint, Defendant lacks knowledge of the  
17 allegations contained therein and on this basis denies the same.

18          35. As to Paragraph 35 of the Complaint, Defendant lacks knowledge of the  
19 allegations contained therein and on this basis denies the same.

20          36. As to Paragraph 36 of the Complaint, Defendant lacks knowledge of the  
21 allegations contained therein and on this basis denies the same.

22          37. As to Paragraph 37 of the Complaint, Defendant lacks knowledge of the  
23 allegations contained therein and on this basis denies the same.

24          38. As to Paragraph 38 of the Complaint, Defendant lacks knowledge of the  
25 allegations contained therein and on this basis denies the same.

26          39. As to Paragraph 39 of the Complaint, Defendant lacks knowledge of the  
27 allegations contained therein and on this basis denies the same.

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1           40. As to Paragraph 40 of the Complaint, Defendant lacks knowledge of the  
2 allegations contained therein and on this basis denies the same.

3           41. As to Paragraph 41 of the Complaint, Defendant lacks knowledge of the  
4 allegations contained therein and on this basis denies the same.

5           42. As to Paragraph 42 of the Complaint, Defendant lacks knowledge of the  
6 allegations contained therein and on this basis denies the same.

7           43. As to Paragraph 43 of the Complaint, Defendant lacks knowledge of the  
8 allegations contained therein and on this basis denies the same.

9           44. As to Paragraph 44 of the Complaint, Defendant lacks knowledge of the  
10 allegations contained therein and on this basis denies the same.

11           45. As to Paragraph 45 of the Complaint, Defendant lacks knowledge of the  
12 allegations contained therein and on this basis denies the same.

13           46. As to Paragraph 46 of the Complaint, Defendant lacks knowledge of the  
14 allegations contained therein and on this basis denies the same.

15           47. As to Paragraph 47 of the Complaint, Defendant admits the allegations  
16 contained therein.

17           48. As to Paragraph 48 of the Complaint, Defendant admits that Hooson  
18 “handed off” Branco to CSU staff. Defendant otherwise lacks knowledge of the  
19 allegations contained therein and on this basis denies the same.

20           49. As to Paragraph 49 of the Complaint, admits being provided with a “CSU  
21 Acceptance Screening Tool.” Defendant lacks knowledge of the remaining allegations  
22 contained therein and on this basis denies the same.

23           50. As to Paragraph 50 of the Complaint, Defendant lacks knowledge of the  
24 allegations contained therein and on this basis denies the same.

25           51. As to Paragraph 51 of the Complaint, Defendant lacks knowledge of the  
26 allegations contained therein and on this basis denies the same.

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1           52. As to Paragraph 52 of the Complaint, Defendant lacks knowledge of the  
2 allegations contained therein and on this basis denies the same.

3           53. As to Paragraph 53 of the Complaint, Defendant lacks knowledge of the  
4 allegations contained therein and on this basis denies the same.

5           54. As to Paragraph 54 of the Complaint, Defendant lacks knowledge of the  
6 allegations contained therein and on this basis denies the same.

7           55. As to Paragraph 55 of the Complaint, Defendant admits that at  
8 approximately 8:30 a.m., 911 was called re Branco's condition.

9           56. As to Paragraph 56 of the Complaint, Defendant lacks knowledge of the  
10 allegations contained therein and on this basis denies the same.

11           57. As to Paragraph 57 of the Complaint, Defendant lacks knowledge of the  
12 allegations contained therein and on this basis denies the same.

13           58. As to Paragraph 58 of the Complaint, Defendant lacks knowledge of the  
14 allegations contained therein and on this basis denies the same.

15           59. As to Paragraph 59 of the Complaint, Defendant lacks knowledge of the  
16 allegations contained therein and on this basis denies the same.

17           60. As to Paragraph 60 of the Complaint, Defendant lacks knowledge of the  
18 allegations contained therein and on this basis denies the same.

19           61. As to Paragraph 61 of the Complaint, Defendant lacks knowledge of the  
20 allegations contained therein and on this basis denies the same.

21           62. As to Paragraph 62 of the Complaint, Defendant denies all allegations  
22 related in any manner to Defendant and otherwise lacks knowledge of the allegations  
23 contained therein and on this basis denies the same.

24           63. As to Paragraph 63 of the Complaint, Defendant denies all allegations  
25 related in any manner to Defendant and otherwise lacks knowledge of the allegations  
26 contained therein and on this basis denies the same.

27           64. As to Paragraph 64 of the Complaint, Defendant lacks knowledge of the  
28 allegations contained therein and on this basis denies the same.

1           65. As to Paragraph 65 of the Complaint, Defendant denies all allegations  
2 related in any manner to Defendant and otherwise lacks knowledge of the allegations  
3 contained therein and on this basis denies the same.

4           66. As to Paragraph 66 of the Complaint, Defendant lacks knowledge of the  
5 allegations contained therein and on this basis denies the same.

6           67. As to Paragraph 67 of the Complaint, Defendant denies all allegations  
7 related in any manner to Defendant and otherwise lacks knowledge of the allegations  
8 contained therein and on this basis denies the same.

9           68. As to Paragraph 68 of the Complaint, Defendant denies all allegations  
10 related in any manner to Defendant and otherwise lacks knowledge of the allegations  
11 contained therein and on this basis denies the same.

12           69. As to Paragraph 69 of the Complaint, Defendant lacks knowledge of the  
13 allegations contained therein and on this basis denies the same.

14           70. As to Paragraph 70 of the Complaint, Defendant denies all allegations  
15 related in any manner to Defendant and otherwise lacks knowledge of the allegations  
16 contained therein and on this basis denies the same.

17           71. As to Paragraph 71 of the Complaint, Defendant admits the allegations  
18 contained therein.

19           72. As to Paragraph 72 of the Complaint, Defendant lacks knowledge of the  
20 allegations contained therein and on this basis denies the same.

21           73. As to Paragraph 73 of the Complaint, Defendant lacks knowledge of the  
22 allegations contained therein and on this basis denies the same.

23           74. As to Paragraph 74 of the Complaint, Defendant lacks knowledge of the  
24 allegations contained therein and on this basis denies the same.

25           75. As to Paragraph 75 of the Complaint, Defendant lacks knowledge of the  
26 allegations contained therein and on this basis denies the same.

27           76. As to Paragraph 76 of the Complaint, Defendant lacks knowledge of the  
28 allegations contained therein and on this basis denies the same.

1           77. As to Paragraph 77 of the Complaint, Defendant lacks knowledge of the  
2 allegations contained therein and on this basis denies the same.

3           78. As to Paragraph 78 of the Complaint, Defendant lacks knowledge of the  
4 allegations contained therein and on this basis denies the same.

5           79. As to Paragraph 79 of the Complaint, Defendant admits the allegations  
6 contained therein.

7           80. As to Paragraph 80 of the Complaint, Defendant denies that psychiatric  
8 technicians are incapable of checking vital signs. Defendant otherwise admits the  
9 allegations contained therein.

10           81. As to Paragraph 81 of the Complaint, the allegations constitute  
11 purported statements of law to which no response is required. To the extent that a  
12 further response is deemed to be required, Defendant denies each and every  
13 allegation contained in this paragraph.

14           82. As to Paragraph 82 of the Complaint, Defendant lacks knowledge of the  
15 allegations contained therein and on this basis denies the same.

16           83. Answering Paragraph 83 of the Complaint, Defendant incorporates  
17 paragraphs 1 through 82 of this Answer as though fully set forth herein.

18           84. As to Paragraph 84 of the Complaint, Defendant denies all allegations  
19 related in any manner to Defendant and otherwise lacks knowledge of the allegations  
20 contained therein and on this basis denies the same.

21           85. As to Paragraph 85 of the Complaint, Defendant denies all allegations  
22 related in any manner to Defendant and otherwise lacks knowledge of the allegations  
23 contained therein and on this basis denies the same.

24           86. As to Paragraph 86 of the Complaint, Defendant denies all allegations  
25 related in any manner to Defendant and otherwise lacks knowledge of the allegations  
26 contained therein and on this basis denies the same.

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1           87. As to Paragraph 87 of the Complaint, Defendant denies all allegations  
2 related in any manner to Defendant and otherwise lacks knowledge of the allegations  
3 contained therein and on this basis denies the same.

4           88. As to Paragraph 88 of the Complaint, Defendant denies all allegations  
5 related in any manner to Defendant and otherwise lacks knowledge of the allegations  
6 contained therein and on this basis denies the same.

7           89. As to Paragraph 89 of the Complaint, Defendant denies all allegations  
8 related in any manner to Defendant and otherwise lacks knowledge of the allegations  
9 contained therein and on this basis denies the same.

10          90. As to Paragraph 90 of the Complaint, Defendant denies all allegations  
11 related in any manner to Defendant and otherwise lacks knowledge of the allegations  
12 contained therein and on this basis denies the same.

13          91. As to Paragraph 91 of the Complaint, Defendant denies all allegations  
14 related in any manner to Defendant and otherwise lacks knowledge of the allegations  
15 contained therein and on this basis denies the same.

16          92. Answering Paragraph 92 of the Complaint, Defendant incorporates  
17 paragraphs 1 through 91 of this Answer as though fully set forth herein.

18          93. Paragraph 93 of the Complaint purports to be a statement of law that  
19 misstates or mischaracterizes the law. To the extent Defendant is alleged to be  
20 subject to the purported interpretation of law, Defendant denies the allegations. As to  
21 all other allegations therein, Defendant lacks knowledge of the allegations contained  
22 therein and on this basis denies the same.

23          94. As to Paragraph 94 of the Complaint, Defendant denies all allegations  
24 related in any manner to Defendant and otherwise lacks knowledge of the allegations  
25 contained therein and on this basis denies the same.

26          95. As to Paragraph 95 of the Complaint, Defendant lacks knowledge of the  
27 allegations contained therein and on this basis denies the same.

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1           96. As to Paragraph 96 of the Complaint, Defendant denies all allegations  
2 related in any manner to Defendant and otherwise lacks knowledge of the allegations  
3 contained therein and on this basis denies the same.

4           97. As to Paragraph 97 of the Complaint, Defendant denies all allegations  
5 related in any manner to Defendant and otherwise lacks knowledge of the allegations  
6 contained therein and on this basis denies the same.

7           98. Answering Paragraph 98 of the Complaint, Defendant incorporates  
8 paragraphs 1 through 97 of this Answer as though fully set forth herein.

9           99. As to Paragraph 99 of the Complaint, Defendant denies all allegations  
10 related in any manner to Defendant and otherwise lacks knowledge of the allegations  
11 contained therein and on this basis denies the same.

12           100. Paragraph 100 of the Complaint purports to be a statement of law that  
13 misstates or mischaracterizes the law. To the extent Defendant is alleged to be  
14 subject to the purported interpretation of law, Defendant denies the allegations. As to  
15 all other allegations therein, Defendant lacks knowledge of the allegations contained  
16 therein and on this basis denies the same.

17           101. As to Paragraph 101 of the Complaint, Defendant denies all allegations  
18 related in any manner to Defendant and otherwise lacks knowledge of the allegations  
19 contained therein and on this basis denies the same.

20           102. As to Paragraph 102 of the Complaint, Defendant lacks knowledge of  
21 the allegations contained therein and on this basis denies the same.

22           103. As to Paragraph 103 of the Complaint, Defendant denies all allegations  
23 related in any manner to Defendant and otherwise lacks knowledge of the allegations  
24 contained therein and on this basis denies the same.

25           104. As to Paragraph 104 of the Complaint, Defendant denies all allegations  
26 related in any manner to Defendant and otherwise lacks knowledge of the allegations  
27 contained therein and on this basis denies the same.

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1           105. As to Paragraph 105 of the Complaint, Defendant lacks knowledge of  
2 the allegations contained therein and on this basis denies the same.

3           106. As to Paragraph 106 of the Complaint, Defendant denies all allegations  
4 related in any manner to Defendant and otherwise lacks knowledge of the allegations  
5 contained therein and on this basis denies the same.

6           107. Answering Paragraph 107 of the Complaint, Defendant incorporates  
7 paragraphs 1 through 106 of this Answer as though fully set forth herein.

8           108. As to Paragraph 108 of the Complaint, Defendant lacks knowledge of  
9 the allegations contained therein and on this basis denies the same.

10           109. As to Paragraph 109 of the Complaint, Defendant lacks knowledge of  
11 the allegations contained therein and on this basis denies the same.

12           110. As to Paragraph 110 of the Complaint, Defendant lacks knowledge of  
13 the allegations contained therein and on this basis denies the same.

14           111. As to Paragraph 111 of the Complaint, Defendant lacks knowledge of  
15 the allegations contained therein and on this basis denies the same.

16           112. As to Paragraph 112 of the Complaint, Defendant lacks knowledge of  
17 the allegations contained therein and on this basis denies the same.

18           113. As to Paragraph 113 of the Complaint, Defendant lacks knowledge of  
19 the allegations contained therein and on this basis denies the same.

20           114. As to Paragraph 114 of the Complaint, Defendant lacks knowledge of  
21 the allegations contained therein and on this basis denies the same.

22           115. Answering Paragraph 115 of the Complaint, Defendant incorporates  
23 paragraphs 1 through 114 of this Answer as though fully set forth herein.

24           116. As to Paragraph 116 of the Complaint, Defendant lacks knowledge of  
25 the allegations contained therein and on this basis denies the same.

26           117. As to Paragraph 117 of the Complaint, Defendant denies all allegations  
27 related in any manner to Defendant and otherwise lacks knowledge of the allegations  
28 contained therein and on this basis denies the same.

1           118. As to Paragraph 118 of the Complaint, Defendant denies all allegations  
2 related in any manner to Defendant and otherwise lacks knowledge of the allegations  
3 contained therein and on this basis denies the same.

4           119. As to Paragraph 119 of the Complaint, Defendant denies all allegations  
5 related in any manner to Defendant and otherwise lacks knowledge of the allegations  
6 contained therein and on this basis denies the same.

7           120. As to Paragraph 120 of the Complaint, Defendant denies all allegations  
8 related in any manner to Defendant and otherwise lacks knowledge of the allegations  
9 contained therein and on this basis denies the same.

10           121. As to Paragraph 121 of the Complaint, Defendant denies all allegations  
11 related in any manner to Defendant and otherwise lacks knowledge of the allegations  
12 contained therein and on this basis denies the same.

13           122. Answering Paragraph 122 of the Complaint, Defendant incorporates  
14 paragraphs 1 through 121 of this Answer as though fully set forth herein.

15           123. As to Paragraph 123 of the Complaint, Defendant denies all allegations  
16 related in any manner to Defendant and otherwise lacks knowledge of the allegations  
17 contained therein and on this basis denies the same.

18           124. As to Paragraph 124 of the Complaint, Defendant lacks knowledge of  
19 the allegations contained therein and on this basis denies the same.

20           125. As to Paragraph 125 of the Complaint, Defendant lacks knowledge of  
21 the allegations contained therein and on this basis denies the same.

22           126. As to Paragraph 126 of the Complaint, Defendant lacks knowledge of  
23 the allegations contained therein and on this basis denies the same.

24           127. As to Paragraph 127 of the Complaint, Defendant lacks knowledge of  
25 the allegations contained therein and on this basis denies the same.

26           128. As to Paragraph 128 of the Complaint, Defendant denies all allegations  
27 related in any manner to Defendant and otherwise lacks knowledge of the allegations  
28 contained therein and on this basis denies the same.

1           129. As to Paragraph 129 of the Complaint, Defendant denies all allegations  
2 related in any manner to Defendant and otherwise lacks knowledge of the allegations  
3 contained therein and on this basis denies the same.

4           130. As to Paragraph 130 of the Complaint, Defendant lacks knowledge of  
5 the allegations contained therein and on this basis denies the same.

6           131. Answering Paragraph 131 of the Complaint, Defendant incorporates  
7 paragraphs 1 through 130 of this Answer as though fully set forth herein.

8           132. As to Paragraph 132 of the Complaint, Defendant lacks knowledge of  
9 the allegations contained therein and on this basis denies the same.

10           133. As to Paragraph 133 of the Complaint, Defendant lacks knowledge of  
11 the allegations contained therein and on this basis denies the same.

12           134. As to Paragraph 134 of the Complaint, Defendant lacks knowledge of  
13 the allegations contained therein and on this basis denies the same.

14           135. As to Paragraph 135 of the Complaint, Defendant lacks knowledge of  
15 the allegations contained therein and on this basis denies the same.

16           136. As to Paragraph 136 of the Complaint, Defendant lacks knowledge of  
17 the allegations contained therein and on this basis denies the same.

18           137. Answering Paragraph 137 of the Complaint, Defendant incorporates  
19 paragraphs 1 through 136 of this Answer as though fully set forth herein.

20           138. Paragraph 138 of the Complaint purports to be a statement of law that  
21 misstates or mischaracterizes the law. To the extent Defendant is alleged to be  
22 subject to the purported interpretation of law, Defendant denies the allegations. As to  
23 all other allegations therein, Defendant lacks knowledge of the allegations contained  
24 therein and on this basis denies the same.

25           139. Paragraph 139 of the Complaint purports to be a statement of law that  
26 misstates or mischaracterizes the law. To the extent Defendant is alleged to be  
27 subject to the purported interpretation of law, Defendant denies the allegations. As to  
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1 all other allegations therein, Defendant lacks knowledge of the allegations contained  
2 therein and on this basis denies the same.

3 140. As to Paragraph 140 of the Complaint, Defendant denies all allegations  
4 related in any manner to Defendant and otherwise lacks knowledge of the allegations  
5 contained therein and on this basis denies the same.

6 141. As to Paragraph 141 of the Complaint, Defendant denies all allegations  
7 related in any manner to Defendant and otherwise lacks knowledge of the allegations  
8 contained therein and on this basis denies the same.

9 142. As to Paragraph 142 of the Complaint, Defendant denies all allegations  
10 related in any manner to Defendant and otherwise lacks knowledge of the allegations  
11 contained therein and on this basis denies the same.

12 143. As to Paragraph 143 of the Complaint, Defendant denies all allegations  
13 related in any manner to Defendant and otherwise lacks knowledge of the allegations  
14 contained therein and on this basis denies the same.

15 144. As to Paragraph 144 of the Complaint, Defendant lacks knowledge of  
16 the allegations contained therein and on this basis denies the same.

17 145. Answering Paragraph 145 of the Complaint, Defendant incorporates  
18 paragraphs 1 through 144 of this Answer as though fully set forth herein.

19 146. As to Paragraph 146 of the Complaint, Defendant lacks knowledge of  
20 the allegations contained therein and on this basis denies the same.

21 147. As to Paragraph 147 of the Complaint, Defendant denies all allegations  
22 related in any manner to Defendant and otherwise lacks knowledge of the allegations  
23 contained therein and on this basis denies the same.

24 148. As to Paragraph 148 of the Complaint, Defendant denies all allegations  
25 related in any manner to Defendant and otherwise lacks knowledge of the allegations  
26 contained therein and on this basis denies the same.

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1           149. As to Paragraph 149 of the Complaint, Defendant denies all allegations  
2 related in any manner to Defendant and otherwise lacks knowledge of the allegations  
3 contained therein and on this basis denies the same.

4           150. As to Paragraph 150 of the Complaint, Defendant denies all allegations  
5 related in any manner to Defendant and otherwise lacks knowledge of the allegations  
6 contained therein and on this basis denies the same.

7           151. As to Paragraph 151 of the Complaint, Defendant denies all allegations  
8 related in any manner to Defendant and otherwise lacks knowledge of the allegations  
9 contained therein and on this basis denies the same.

10                           **FIRST AFFIRMATIVE DEFENSE**

11                           (Failure to State a Cause of Action)

12           Plaintiff's Complaint fails to state facts sufficient to constitute a cause of action  
13 against Defendant.

14                           **SECOND AFFIRMATIVE DEFENSE**

15                           (Laches)

16           Plaintiff has unreasonably delayed in bringing her action to the prejudice of  
17 Defendant and is, therefore, barred from bringing this action pursuant to the doctrine  
18 of laches.

19                           **THIRD AFFIRMATIVE DEFENSE**

20                           (Conduct of Third Parties)

21           Plaintiff is barred from any recovery herein as to Defendant, in that any  
22 damage proven to have been sustained by plaintiff herein would be the direct and  
23 proximate result of the independent acts of independent third parties or their agents,  
24 and not of any act or omission on the part of Defendant.

25                           **FOURTH AFFIRMATIVE DEFENSE**

26                           (Waiver)

27           Plaintiff is barred from any recovery herein as to Defendant, in that Plaintiff has  
28 waived her rights, if any.

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**FIFTH AFFIRMATIVE DEFENSE**

(Estoppel)

Plaintiff is barred from any recovery herein as to Defendant, in that Plaintiff's claims are barred by the equitable doctrine of estoppel.

**SIXTH AFFIRMATIVE DEFENSE**

(No Compensable Injury)

Plaintiff is barred from any recovery herein as to Defendant, in that Plaintiff has not suffered any compensable injury as the result of any act of Defendant.

**SEVENTH AFFIRMATIVE DEFENSE**

(No Civil Rights Violation)

Plaintiff is barred from any recovery herein as to Defendant, in that Plaintiff was not deprived of life, liberty or property through any act or omission of Defendant.

**EIGHTH AFFIRMATIVE DEFENSE**

(Comparative Negligence)

Any and all events and happenings, injuries and damages, if any, referred to in Plaintiff's Complaint and each cause of action thereof were proximately caused and contributed to by the conduct of Plaintiff.

**NINNTH AFFIRMATIVE DEFENSE**

(Failure to Mitigate Damages)

Plaintiff's recovery is barred as plaintiff had a duty to mitigate her damages and failed to do so.

**TENTH AFFIRMATIVE DEFENSE**

(Consent)

Plaintiff's claims against this answering Defendant are barred, in whole or in part, by Plaintiff's consent.

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1 **ELEVENTH AFFIRMATIVE DEFENSE**

2 (Lack of Notice)

3 The Complaint, and each claim alleged therein, is barred by Plaintiff's failure to  
4 timely notify Defendant of the alleged claims, defects, breaches and/or damages, if  
5 any, which any party may have sustained.

6 **TWELFTH AFFIRMATIVE DEFENSE**

7 (Lack of Standing)

8 Plaintiff lacks standing to seek the relief against Defendant that Plaintiff pursues  
9 in the Complaint.

10 **THIRTEENTH AFFIRMATIVE DEFENSE**

11 (Good Faith)

12 Plaintiff's claims are barred, in whole or in part, because at all times relevant  
13 hereto, Defendant acted in good faith, in conformity with all applicable standards,  
14 laws, and regulations, and without improper motive, purpose, intent to injure, or  
15 malice.

16 **FOURTEENTH AFFIRMATIVE DEFENSE**

17 (Failure to Exhaust Administrative Remedies)

18 Plaintiff's claims are barred, in whole or in part, because Plaintiff failed to  
19 exhaust administrative remedies.

20 **FIFTEENTH AFFIRMATIVE DEFENSE**

21 (Reservation)

22 All possible affirmative defenses may not have been alleged herein, insofar as  
23 sufficient facts were not available after reasonable inquiry upon the filing of this  
24 Answer to the Omnibus Third Amended Complaint. Therefore, Defendant reserves the  
25 right to assert additional defenses (affirmative and otherwise) as this action  
26 progresses.

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1 WHEREFORE, BETHANY AURIOLES, prays for judgment against Plaintiff as  
2 follows:

- 3 1. That Plaintiff takes nothing by way of this action;  
4 2. That Defendant be awarded costs of the suit incurred herein;  
5 3 That in the event liability be attributed to Defendant, said liability be  
6 limited in direct proportion to the percentage of fault, if any, actually  
7 attributable to Defendant; and,  
8 4. For such other and further relief as the Court may deem proper.

9  
10 **DEMAND FOR JURY TRIAL**

11 Defendant hereby demands a jury trial on all claims and allegations asserted by  
12 Plaintiff in the Complaint.

13  
14 DATED: November 12, 2024 FRIEDENTHAL, HEFFERNAN & BROWN, LLP

15 By *Daniel R. Friedenthal*

16 DANIEL R. FRIEDENTHAL, ESQ.  
17 Attorneys for Defendant, BETHANY  
18 AURIOLES  
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